



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

July 19, 2010

✓ Michelle M. MacGaffey, Senior Director
Human Capital & Administration
Gay and Lesbian Alliance Against Defamation

REDACTED

Warning Letter Re: FPPC Case No. 10/242, Gay and Lesbian Alliance Against Defamation

Dear Ms. MacGaffey:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code Section 81000, et seq. This letter is in response to a complaint filed against Gay and Lesbian Alliance Against Defamation of Los Angeles ("GLAAD") that both alleged GLAAD was required to file as a recipient committee and omitted to disclose on its reports \$22,081.26 in nonmonetary contributions.

The FPPC has completed its investigation of the facts in this case. With regard to the first allegation, based on the facts of this case, the FPPC has found that GLAAD was not required to file as a recipient committee and is properly considered a major donor committee. However, the FPPC found that with regard to the second allegation, there is a violation of the Act. Specifically, the FPPC found that GLAAD did not disclose \$22,081.26 in nonmonetary contributions.

The Act provides that a committee's failing to accurately disclose the required information on its campaign reports is a violation. Specifically, the Act requires major donor committees to file periodic reports disclosing contributions made. (G.C. § 84200.) Section 84211, in pertinent part, requires a campaign statement to contain the total amount of contributions, including nonmonetary contributions, made during the period of the statement. (G.C. § 84211(k)(5).) GLAAD's actions violated the Act because it failed to disclose a nonmonetary contribution. Because, however, GLAAD did not appear to be avoiding disclosure since they gave the total value of the nonmonetary

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

contribution to the committee receiving the benefit in a timely fashion allowing that committee to correctly report the contribution, the omission appears to be an inadvertent mistake. We have, therefore, decided to close this case. *However, GLAAD must immediately file the appropriately amended report.*

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

REDACTED

✓ Gary S. Winuk, Chief
Enforcement Division

GSW:AK:ak

✓ cc: David Llewellyn